

No. 1980-69

AN ACT

HB 1799

Amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for certificates of public convenience relating to taxicabs to provide for temporary authority for common carriers and changing certain certificates of public convenience.

The General Assembly finds that the taxicab service now available in first class cities from holders of certificates of public convenience which have previously been issued by the Pennsylvania Public Utility Commission under the provisions of 66 Pa.C.S. Chapter 11 (relating to certificates of public convenience) is wholly inadequate to meet the needs of the public in that city and county. It further finds that the number of taxicabs which are necessary and proper to provide adequate service to the public in cities of the first class is 1,400 taxicabs having authority to operate throughout such cities. It further finds that in order to remedy the present inadequacy of taxicab service the Pennsylvania Public Utility Commission should be authorized and directed to issue promptly such additional certificates as are necessary to insure that 1,400 taxicabs having authority to operate throughout cities of the first class are available to the public.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1103 of Title 66, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended by adding subsections to read:

§ 1103. Procedure to obtain certificates of public convenience.

* * *

(c) Taxicabs.—

(1) A certificate of public convenience to provide taxicab service within cities of the first class shall be granted by order of the commission without proof of the need for the service if the commission finds or determines that the applicant is capable of providing dependable taxicab service to the public according to the rules and regulations of the commission.

(2) The commission is authorized to issue a maximum of 1,400 certificates of public convenience for taxi service in any city of the first class upon the effective date of this subsection. Eighteen months after the effective date of this subsection, the commission is authorized to issue in its discretion a maximum of 1,700 certificates of public convenience for taxi service in any city of the first class. Thirty months after the effective date of this subsection, the commission is authorized to issue in its discretion a maximum of

2,000 certificates of public convenience for taxi service in any city of the first class. Upon the second year of the effective date of this subsection, the commission shall institute a formal investigation on the future need for taxi service in any city of the first class. The commission shall report to the Senate and House Consumer Affairs Committees its findings, conclusions and recommendations.

(3) It is hereby declared to be the policy of the General Assembly to regulate the provision of taxicab service within cities of the first class in such a manner that any certificate of public convenience hereinafter granted by order of the commission shall, in addition to any other conditions imposed by the commission, require that at least 40% of such trips of such taxicab service shall be derived from such service provided to and from points within specific geographical areas to be determined by the commission as being in the public interest. The commission shall have the power to rescind or revoke any certificate of public convenience granted to any existing holder or any new recipient for the operation of taxicabs within a city of the first class whenever it is shown that the holder of the certificate is not operating the taxicabs on an average of 50% of the time over any consecutive three-month period.

(4) The commission shall have the authority to grant immediate temporary certificates of public convenience for taxicab service in cities of the first class. Such temporary certificates are subject to further investigation before a permanent certificate shall be granted by the commission.

(5) In cities of the first class, all operators shall utilize the services of a centralized dispatch system utilizing radio. Any existing holder or any new recipient of a certificate of public convenience for the operation of taxicabs in cities of the first class which owns or operates a centralized radio dispatch system shall make such system available to all other taxicab operations for a reasonable fee as described in a tariff to be filed with the commission for its review and approval but with no obligation to use any specific radio system. It is mandatory, however, that every taxi operated in the city be linked to a central radio service.

(6) A minimum of 5% of all certificates of public convenience issued under this subsection in cities of the first class shall be issued to minority persons or to corporations in which 51% or more of the voting shares or interest in the corporation is held by minority individuals. For purposes of this paragraph, "minority" shall describe one who is Black, Puerto Rican, Hispanic, American Indian, Eskimo, Aleut or Oriental.

(7) The transfer of a certificate of public convenience, by any means or device, shall be subject to the prior approval of the commission which may, in its sole or peculiar discretion as it deems appropriate, attach such conditions, including the appropriate allocation of proceeds, as it may find to be necessary or proper.

(8) In cities of the first class, any new holder of a certificate of public convenience for the operation of a taxicab shall, prior to the initial operation of such taxicab, have such taxicab inspected under the supervision of a State Police officer at the expense of the holder of such certificate. The holder of said certificate shall make payment of such expenses at the time of the inspection with a certified check payable to the Pennsylvania Department of Transportation.

(d) Temporary authority.—Except during the threat or existence of a labor dispute, the commission under such regulations as it shall prescribe may, without hearing, in proper cases, consider and approve applications for certificates of public convenience, and in emergencies grant temporary certificates under this chapter, pending action on permanent certificates; but no applications shall be denied without right of hearing thereon being tendered to the applicant.

Section 2. Upon the effective date of this act, every certificate of public convenience for taxicab service in any city of the first class heretofore or hereinafter issued by the Pennsylvania Public Utility Commission shall be deemed a single, sole certificate of public convenience for taxicab service for the operation of one vehicle in such service. Every present holder of a certificate of public convenience for taxicab service in a city of the first class shall be entitled to automatically receive, from the commission, the number of individual certificates of public convenience which will correspond to the total number of vehicles permitted to be operated under their respective certificates of public convenience in effect prior to the effective date of this amendatory act. Leases of taxicabs will be covered by any existing or expiring collective bargaining agreement between the lessor-holder of franchise and any labor organization.

Section 3. The Pennsylvania Public Utility Commission shall report to the Senate and House Consumer Affairs Committees within one year after the effective date of this act, and annually thereafter, the number of certificates of public convenience to provide taxicab service in cities of the first class which are then in effect and how many applications for such certificates are then awaiting disposition by the commission.

Section 4. Except for 66 Pa.C.S. § 1103(c)(4), which shall take effect in 30 days, the remainder of this act shall take effect immediately. This act applies to all pending applications and those to be filed as of the effective date of this act. It is mandatory, however, that every taxi operated in the city be linked to a central radio service.

APPROVED—The 19th day of June, A. D. 1980.

DICK THORNBURGH